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November 8, 2007

VIA FACSIMILE TRANSMISSION AND U.S. MAIL
FAX (843) 774-2050

Mrs. Beatrice Weaver
1253 Harllees Bridge Road
Dillon, South Carolina 29536

Re: Recent Correspondence Regarding Docket No. 2004-219-E

Dear Ms. Weaver:

As Hearing Officer in Docket No. 2004-219-E, I am responding to your letters to Mr. Terreni dated October 17, October 29, and November 1, 2007, along with the accompanying memoranda and supporting documents.

In the memorandum faxed to us with the October 17 letter, you request that we identify the statutes governing the change of electric service providers, that we clarify the consumer's role in the process, and that we address your allegations concerning Progress Energy's conduct in connection with the mutual release and settlement agreement executed by you and Progress Energy on or about September 18, 2007. You further request that the Commission state in advance (1) whether it would approve a future petition for change of electric service provider prior to the petition being filed; and (2) that there will be no "complications" caused by Progress Energy in having your electric service provider changed. Subsequently, in your letters dated October 29 and November 1, 2007, you asked whether the Commission has jurisdiction to enforce the terms of the September 18, 2007 settlement agreement or to order Progress Energy to connect power to your residence.

The specific statute governing whether your electric service may be provided by a provider other than Progress Energy is found at S.C. Code Ann. §58-27-660. Subsection 1 of the statute provides that the change in service providers you would be requesting could be granted upon agreement of both affected electric service providers. In the event that the affected providers reach no such agreement, the Commission may, pursuant to Subsection 2 of the statute, order the change "upon a finding that service to such consumer by the electric supplier which is then furnishing service...is or will be inadequate or undependable, and cannot or will not be made adequate and dependable within a reasonable time, or that the rates, conditions of service or service regulations, applied to such consumer, are unreasonably discriminatory." I would

encourage you to seek legal counsel to advise you as to the meaning and effect of the statute upon your prospective request for a change of electric service providers. As you know, we cannot offer any legal advice to you.

Your petition for a change in electric service providers should be filed with our office in the same manner as any other complaint or petition for relief. Because this request was not a part of the initial claim and counterclaim contained in Docket No. 2004-219-E, and because the Commission has already ordered Docket No. 2004-219-E closed, it would be appropriate for the new petition to be assigned a new docket number. The Commission cannot prejudge your petition, just as it cannot promise any particular result to any party appearing before it. The Commission is bound to fairly adjudicate every case based upon the facts presented and the applicable law.

It would appear that action seeking interpretation or enforcement of the terms of the settlement agreement should be pursued in the Court of Common Pleas for Dillon County. The Commission generally has the authority to enforce its regulations concerning the prerequisites for discontinuance of service and to order reconnection where those prerequisites have not been met. However, actions regarding the enforcement of the September 18, 2007 settlement agreement in the Court of Common Pleas, even though pertaining to reconnection of your electric service, would appropriately be brought before that court.

I hope this information has been helpful and responsive to your inquiries.

With continued kind regards, I am

Very truly yours,



B. Randall Dong
Hearing Officer

cc: Len S. Anthony, Esquire
Shannon B. Hudson, Esquire